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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/683,685      | 02/03/2002  | Aleksandar Susnjar   |                     | 3106             |

30379 7590 09/24/2003

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[REDACTED] EXAMINER

VERBRUGGE, KEVIN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2188     | [REDACTED]   |

DATE MAILED: 09/24/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                    |                         |
|------------------------------|------------------------------------|-------------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>             | <b>Applicant(s)</b>     |
|                              | 09/683,685                         | SUSNJAR, ALEKSANDAR     |
|                              | <b>Examiner</b><br>Kevin Verbrugge | <b>Art Unit</b><br>2188 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 August 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 1-19 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. . | 6) <input type="checkbox"/> Other: _____ .                                   |

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1, drawn to immediate fetching from plural heads simultaneously, classified in class 711, subclass 112.
- II. Claims 2-7 and 15, drawn to simultaneous accesses on plural surfaces, classified in class 711, subclass 112.
- III. Claims 8-14, drawn to plural heads per surface, classified in class 360, subclass 246.6.
- IV. Claims 16-18, drawn to simultaneous accesses with optimization of future accesses, classified in class 711, subclass 112.
- V. Claim 19, drawn to fine head positioning with piezo-electric mechanism, classified in class 360, subclass 78.05.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV, and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, each of the inventions has separate utility such as in systems that don't have the other inventions. None of the groups requires any of the other groups, proving that they are independent

subcombinations. They may be used together, but are not required to be used together. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for each group is not required for any other group, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

### ***Conclusion***

Both copies of the Amendment were received by the Patent and Trademark Office. The copy mailed first was received 8/26/03. The copy mailed later was received 8/18/03. No additional fees were necessary since the response was filed within 3 months of the Office action.

Any inquiry concerning this or an earlier communication from the Examiner should be directed to Primary Examiner Kevin Verbrugge by phone at (703) 308-6663.

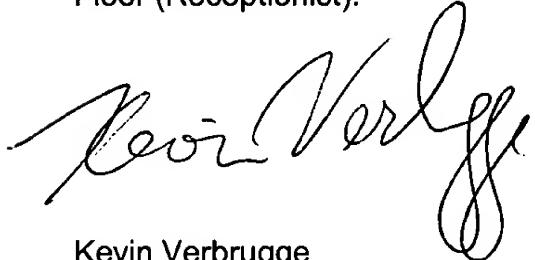
Any response to this action should be mailed to Commissioner for Patents,  
Washington, D.C. 20231 or faxed to

(703) 746-7238 After-final

(703) 872-9306 Official

(703) 746-7240 Non-Official/Draft

and labeled appropriately (After-final, Official, Non-Official/Draft). Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA, 4th Floor (Receptionist).

A handwritten signature in black ink, appearing to read "Kevin Verbrugge".

Kevin Verbrugge  
Primary Examiner  
9/22/03